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INTERNATIONAL SECRETARIAT
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URGENT ACTION

EXTERNAL (for general distribution)

AI Index: ASA 21/21/92
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Further information on UA 366/92 (ASA 21/17/92, 23 November 1992) - and follow-ups ASA 21/19/92 of 24 November 1992 and ASA 21/20/92 of 26 November 1992 - Legal Concern/Fear of Torture

INDONESIA/EAST TIMOR: Xanana Gusmão, 45

Rufina Conceiçao Araujo (female), 74
Augusto Pereira, 43) husband and
Aliança de Araujo (female), 40) wife
Ligia de Araujo (female), 22
Jorge Manuel Araujo Serrano, 21
Regina Conceiçao Araujo Serrano (female), 18
Francisco Almeida Araujo, 17

Armandina Gusmão dos Santos (female)] note full
Gilman Exposto dos Santos] names

Olandina Caceiro Alves (female)
(friend of Armandina Gusmão)
Oscar Lima (friend of Olandina Caceiro)
Americo

Xanana Gusmão, the East Timorese resistance leader arrested in Dili on 20 November, is reported to be in the custody of Indonesian military intelligence authorities in Bali. Amnesty International remains seriously concerned for his safety. At least twelve other people arrested since 20 November, including two of Xanana's relatives, are believed to remain in incommunicado detention in Dili. There continue to be fears that they may be tortured or ill-treated under interrogation.

Indonesian authorities have provided conflicting accounts of Xanana's precise whereabouts, but unofficial sources indicate that he is currently held incommunicado at the Wisma Bayung, the eastern Indonesia headquarters of the Armed Forces Strategic Intelligence Agency (BAIS-ABRI). The Wisma Bayung is located near the airport outside Denpasar, Bali. On 26 November a military spokesperson said that Xanana was in police custody in Bali, but when asked for confirmation, the Regional Police Chief responsible for Bali said he "had not yet received any official report that Xanana had been handed over to the police." In a separate statement to the press, the Indonesian Foreign Minister reportedly claimed that Xanana was well and in Dili.

Military authorities have stated that Xanana will be tried under Indonesian law, either in Denpasar or Dili, but they have provided no details on the charges to be brought. According to press reports, the Minister for Defence said on 26 November that Xanana was "just a street criminal." However, the evident involvement of military intelligence operatives in his interrogation, and the inclusion of Armed Forces personnel on the team established to investigate his case, strongly suggest that he will be charged with political crimes.

At least 12 other people arrested since 20 November, including two of Xanana's relatives, are believed to remain in custody in Dili. Xanana's sister, Armandina Gusmão dos Santos and her husband, Gilman Exposto dos Santos, an employee of the Catholic Relief Service, are reportedly held at police headquarters in Komoro. They are said to have been subjected to intensive questioning over the last four days, although they are not known to have been charged with an offence. Police

☎ (44)(71) 413 5500 Telegrams: Amnesty London WC1 Telex: 28502 FAX: 956 1157

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed *prisoners of conscience.* It works for *fair and prompt trials* for *all political prisoners* and works on behalf of such people detained without charge or trial. It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners.*

authorities have prevented relatives from visiting the couple in detention, and there are fears that the detainees may be subjected to torture or ill-treatment. Two of their children, previously reported as arrested, are said to be staying with relatives in Dili.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in English or your own language:
- urging the government in the strongest possible terms to immediately clarify the whereabouts of Xanana Gusmão and the other detainees named above;

- expressing concern for members of the Araujo and Gusmão families and others detained in the wake of Xanana's capture;

- reiterating the call for representatives of the International Committee of the Red Cross and independent lawyers to be granted immediate access to Xanana Gusmão and the other detainees, as required by Indonesian and international law;

- seeking clarification of the precise charges to be brought against Xanana Gusmão, and urging the government to release immediately and unconditionally all those detained solely for their peaceful political views.

APPEALS TO:

For appeals regarding Xanana Gusmão only:

1. Lt Col Hasibuan — **Salutation: Dear Lt Col Hasibuan**
Wisma Bayung
Denpasar, Bali
Indonesia
Telegrams: Lt Col Hasibuan Wisma Bayung, Denpasar, Indonesia

For appeals regarding all the detainees, including Xanana Gusmão:

2. Brig Gen Theo Syafei
Markas Besar KOREM 164 — **Salutation: Dear Brig Gen Syafei**
Dili, East Timor
Telegrams Brig Gen Syafei, Dili, East Timor

3. General Try Sutrisno — **Salutation: Dear General Sutrisno**
Commander of the Armed Forces
Markas Besar ABRI
Cilangkap, East Jakarta, Indonesia
Telegrams: Gen Try Sutrisno Jakarta,Indonesia
Faxes: + 62 21 36 1471 (Armed Forces HQ);
+ 62 21 37 8144 (Army HQ); + 62 21 35 6404

4. Maj Gen Suwardi (note corrected name) — **Salutation: Dear Maj Gen Suwardi**
Markas Besa KODAM IX
Udayana, Denpasar
Bali, Indonesia
Telegrams: Maj Gen Suwardi, Markas Besar ABRI, Udayana, Denpasar, Bali, Indonesia

COPIES OF YOUR APPEALS TO:

Indonesian Legal Aid Foundation (LBH)
Jl. Diponegoro 74
Jakarta 10320
Indonesia

and to diplomatic representatives of Indonesia/East Timor accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 11 January 1993.

— Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended actions. If possible, send a telegram, telex, fax or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

— Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."

— The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.

— Copies of appeals should be sent to relevant diplomatic representatives in your country.

— In Urgent Actions cases, Amnesty International has to act rapidly on behalf of victims of grave human rights violations. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

— Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action co-ordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.